

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND,)

Plaintiff,

V.

THIELE TRANSPORT, INC.,
an Illinois corporation

Defendant.

FILED: MAY 22, 2008

No. 08CV2983 AEE

Judge **JUDGE GUZMAN**

MAGISTRATE JUDGE COX

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND ("Fund"), by its attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, THIELE TRANSPORT, INC. an Illinois corporation, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered and 185(c).

PARTIES

2. (a) Plaintiff is the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND ("Fund") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND has been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Fund is maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Fund.

3. (a) THIELE TRANSPORT, INC. an Illinois corporation, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) THIELE TRANSPORT, INC. is an Illinois corporation, with its principal place of business at Warrenville, Illinois.

(c) THIELE TRANSPORT, INC. an Illinois corporation, is an employer engaged in an industry affecting commerce.

4. THIELE TRANSPORT, INC. an Illinois corporation, entered into agreements with Teamsters 179 for periods from June 1, 2005 through May 31, 2006 and June 1, 2006 through May 31, 2009 which require contributions to the Funds pursuant to 29 U.S.C. 1145.

5. Pursuant to the collective bargaining agreements between THIELE TRANSPORT, INC., an Illinois corporation and the Union, THIELE TRANSPORT, INC., has failed and continues to fail to make its obligated contributions to the Fund for the period January, 2007 through March, 2008, as disclosed in an audit which took place on March 31, 2008.

6. The audit disclosed \$6,118.43 the Pension Fund.

WHEREFORE, Plaintiff prays:

A. This court enter judgment in favor of the Plaintiff and against THIELE TRANSPORT, INC., an Illinois corporation, in the amount of the audit, \$6,118.43.

B. That this court award the plaintiff its attorneys' fees, costs, interest, and liquidated damages pursuant to 29 U.S.C. 1132(g)(2) and the relevant collective bargaining agreements and trust agreements.

C. That the Court grant such further relief as is proper.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: _____

One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

EXHIBIT A

AREA CONSTRUCTION AGREEMENT
UNION L.B. OF E
JOINT COUNCIL NO. 25
AGREEMENT BETWEEN

Sherburn Thiele
333-66-2721

EXPIRATION DATE MAY 31, 2006

FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL 179

BY: John A. White
 TITLE: President
 DATE: 5/22/06

FOR THE COMPANY

COMPANY: Thiele Transport Inc.
 ADDRESS: P.O. Box 596
Warrenville IL 60555
 City State Zip
 PHONE: (630) 460-3881
 FAX: (630) 357-2324
 BY: Gregory Thiele
 TITLE: President
 DATE: 5/21

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ADDENDUM 1.

Uniform Drug/Alcohol Abuse Policies

The Union recognizes that the Employers of Teamsters are required to meet the regulations established by more than one governmental agency.

It is agreed that Employers adopting the "Uniform Drug/Alcohol Abuse Program" required by State and Federal Drug Free Workplace Acts, or other policies required to meet the regulations established by the Federal Department of Transportation or the Illinois Department of Transportation, shall not be in conflict with the Area Construction Agreement, Joint Council No. 25.

It is further understood that policies adopted by Employers that are in excess of governmental regulations shall be subject to the Grievance Procedure established in Article 6 of this Agreement.

PARTY OF THE FIRST PART:

Contractors Assn. WGC
 Company

By: Erna B Gray

By: _____

PARTY OF THE SECOND PART:

Teamsters Local 179
 Union

By: John A. White

By: _____

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*General Chauffeurs, Sales Drivers
and Helpers*

Local Union No. 179



Affiliated with the International Brotherhood of Teamsters

MAIN OFFICE:
1000 N. E. 15th FRONTAGE RD.
MUSKEGON, ILLINOIS 60449
PHONE: (815) 741-2200
FAX: (815) 741-2279

OUR OFFICE:
SHERMAN & LADD
MONTICELLO, ILLINOIS 61764
PHONE: (815) 844-8004

**ADDENDUM TO THE JUNE 1, 2006 THROUGH MAY 31, 2009
AREA CONSTRUCTION AGREEMENT BETWEEN
TEAMSTERS LOCAL 179
AND
CONTRACTORS ASSOCIATION OF WILL AND GRUNDY COUNTIES**

It is agreed between Thiele Transport, Inc and Teamsters Local 179 that Thiele Transport, Inc. is exempt from making Health & Welfare contributions on behalf of Sherburn Thiele.

It is also agreed with Thiele Transport, Inc. that proof of payment shall be forwarded to Teamsters Local 179 in December of each year proving that the Health & Welfare has been carried for the calendar year. Failure to provide proof of payment shall cancel this Addendum and revert back to all provisions of the Area Construction Agreement for Health & Welfare.

All other provisions of the June 1, 2006 through May 31, 2009 Area Construction Agreement between Teamsters Local 179 and Contractors Association of Will and Grundy Counties shall remain in effect.

FOR TEAMSTERS LOCAL 179:


SIGNED


TITLE

6-1-06
DATE

FOR THIELE TRANSPORT, INC.:


SIGNED

Vice-President
TITLE

6-1-06
DATE